

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent: the Senator from Montana (Mr. BURNS), the Senator from Minnesota (Mr. COLEMAN), and the Senator from South Dakota (Mr. THUNE).

Further, if present and voting, the Senator from Minnesota (Mr. COLEMAN) would have voted "yea."

Mr. DURBIN. I announce that the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Wisconsin (Mr. KOHL), and the Senator from Michigan (Mr. LEVIN) are necessarily absent.

The PRESIDING OFFICER (Mr. CORNYN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 54, nays 38, as follows:

[Rollcall Vote No. 142 Ex.]

#### YEAS—54

Alexander	Dole	McCain
Allard	Domenici	McConnell
Allen	Ensign	Murkowski
Bennett	Enzi	Nelson (NE)
Bond	Frist	Pryor
Brownback	Graham	Roberts
Bunning	Grassley	Santorum
Burr	Gregg	Sessions
Chafee	Hagel	Shelby
Chambliss	Hatch	Smith
Coburn	Hutchison	Snowe
Cochran	Inhofe	Specter
Collins	Isakson	Stevens
Cornyn	Kyl	Sununu
Craig	Landrieu	Talent
Crapo	Lott	Thomas
DeMint	Lugar	Vitter
DeWine	Martinez	Warner

#### NAYS—38

Akaka	Dodd	Murray
Baucus	Dorgan	Nelson (FL)
Bayh	Durbin	Obama
Biden	Feinstein	Reed
Bingaman	Harkin	Reid
Boxer	Inouye	Rockefeller
Byrd	Jeffords	Salazar
Cantwell	Kennedy	Sarbanes
Carper	Lautenberg	Schumer
Clinton	Leahy	Stabenow
Conrad	Lieberman	Voinovich
Corzine	Lincoln	Wyden
Dayton	Mikulski	

#### NOT VOTING—8

Burns	Johnson	Levin
Coleman	Kerry	Thune
Feingold	Kohl	

The PRESIDING OFFICER. On this vote, the yeas are 54, the nays are 38. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

#### LEGISLATIVE SESSION

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENERGY POLICY ACT OF 2005— Continued

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, what is the parliamentary situation?

AMENDMENT NO. 799

The PRESIDING OFFICER. The pending amendment is No. 799, the Voinovich amendment.

Mr. NELSON of Florida. Mr. President, is it in order to ask unanimous consent to lay aside the pending amendment for the purpose of speaking on an amendment that will be offered by Senator MARTINEZ?

The PRESIDING OFFICER. The Senator may ask that consent.

Mr. NELSON of Florida. Mr. President, I will certainly be willing to have my colleague from Florida speak. I ask unanimous consent that I speak after the Senator from Florida, Mr. MARTINEZ, who will offer the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 783

Mr. MARTINEZ. Mr. President, I call up amendment No. 783.

The PRESIDING OFFICER. Without objection, the amendment is set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. MARTINEZ], for Mr. NELSON of Florida, for himself, Mr. MARTINEZ, Mr. CORZINE, Mrs. BOXER, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. KERRY, Mrs. DOLE, and Mr. BURR, proposes an amendment numbered 783.

(Purpose: To strike the section providing for a comprehensive inventory of outer Continental Shelf oil and natural gas resources)

Beginning on page 264, strike line 1 and all that follows through page 265, line 12.

Mr. MARTINEZ. Mr. President, I appreciate the opportunity that the chairman, Senator DOMENICI, the ranking member, Senator BINGAMAN, and other members have given me to work on this important piece of legislation.

I came late to the work of this committee on this bill, having joined the Senate just this year. Much of the work had previously been done.

As the chairman himself has said, this bill will make a real difference in America's energy landscape.

I must tell my colleagues that I want to vote for this bill. I think it contains a lot of what this Nation needs.

I have grave reservations about one particular provision that calls for an inventory of the resources off this Nation's outer continental shelf.

It is for this reason that I rise today to oppose the inventory, offer an amendment to strike the inventory language, and ask for the support of my colleagues. The inventory language is opposed by both Senators from Florida and a number of coastal State Senators because it opens the door to the development of offshore drilling.

In my State of Florida, such an inventory off our coastlines would take place entirely within a Federal moratorium that bans offshore drilling.

I oppose the inventory because it encroaches on an area off of Florida's coast that we expect will remain under that drilling ban in perpetuity.

My colleagues should be aware that this proposed inventory will cost in ex-

cess of a billion dollars and the result will tell us much of what we already know.

I am asking my colleagues to strike the proposed inventory language contained in this bill and protect the rights of States that have no interest in drilling off their shores.

This provision offered by my colleague, Mr. Senator LANDRIEU of Louisiana, proposes to require a "seismic survey inventory" of all outer continental shelf areas, including within sensitive coastal waters long-protected from all such invasive activities by the 24-year bipartisan congressional moratorium.

I opposed this amendment in committee because it contains something we in Florida don't want and it opens the door to a number of problems, environmental problems, economic problems, and unnecessary challenges for our military.

Why would we inventory an area where we are never going to drill?

The inventory is a huge problem for Florida. It tantalizes pro-drilling interests. It basically puts the State at risk.

I have received assurances from my friends on the other side of this issue that States such as Florida, States that do not want drilling on their coast, will not have to do it. Fine. That is Florida's position.

I can clearly state that we do not want drilling now, and I do not see a scenario anywhere on the horizon where we would change that position. So why, given our objection to drilling, would we spend the resources, more than a billion dollars, and damage the environment in the eastern planning zone to do this inventory? I would also say to my colleagues that an inventory is not a benign thing.

Seismic surveys involve extensive acoustic disruption to marine ecosystems and fisheries. Recent scientific studies have documented previously-unknown impacts from the millions of high-intensity airgun impulses used in such inventories. These sudden, repetitive explosions bring about a potential for harm that is simply too great.

Seismic surveys are an invasive procedure, inappropriate for sensitive marine areas and economically important fishing grounds.

And if one looks at the cost of this inventory, the Minerals Management Service reports that using the most up-to-date technology to perform an inventory of this magnitude will cost between \$75 million and \$125 million for each frontier planning area. Nowhere in this legislation can I find a section that suggests how we recoup the cost of such an inventory.

So I ask my colleagues to strike the inventory. Going forward will encroach upon our coastal waters, waters covered by a drilling ban, and would do little more than act as enticement to oil companies that want our drilling moratorium lifted.

Last year, more than 74 million people visited Florida to enjoy its coastline, its wonderful climate, its excellent fishing. Families return year after